

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSHUA I. PAYNE,	:	No. 1:22cv2063
	:	(Judge Munley)
Plaintiff	:	(Magistrate Judge Carlson)
	:	
V.	:	
	:	
C.O. STANBAUGH,	:	
Defendant	:	

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ORDER

AND NOW, to wit, this 23<sup>rd</sup> day of January 2025, before the court for disposition is Magistrate Judge Martin C. Carlson's Report and Recommendation ("R&R") which recommends that the defendant's motion to dismiss plaintiff's amended complaint be denied. (Doc. 33). No objections to the R&R have been filed, and in fact, the defendant has filed an answer to the amended complaint. (Doc. 34). Therefore, in deciding whether to adopt the report and recommendation, the court must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(b) 1983 Advisory Committee Notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation"); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, the court finds neither a clear error on the face of the record nor a manifest injustice, and therefore, the report and recommendation shall be adopted. It is hereby **ORDERED** as follows:

- 1) The magistrate judge's report and recommendation (Doc. 33) is **ADOPTED**;
- 2) The defendant's motion to dismiss (Doc. 26) is **DENIED**; and
- 3) The Clerk of Court is directed to remand this case to Magistrate Judge Carlson for further pretrial proceedings including reports and recommendations on dispositive motions.

BY THE COURT:

JUDGE JULIA K. MUNLEY  
United States District Court